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AUTHOR	Weldon, Jeffery A.
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ABSTRACT

This paper explores how states have addressed the issue of judging teachers' off-duty behavior through statute and what the courts have said about this issue. The statutory schemes of the 50 states and the courts' analysis of the same indicate that educators are held to a higher standard of behavior than people in other professions. Teachers play a unique role in U.S. culture and society. They cannot practice their profession in public without a state license, and consequently, their behavior in and out of school is examined closely and often harshly. Teachers stand "in loco parentis," and children learn important values and morals from them. What may be an excusable indiscretion for others may be an intolerable error of judgment for educators. This paper elaborates on several grounds for action against an educator's license relating to off-duty behavior, focusing on actions by several states: immorality, immoral conduct, and lacking good moral character; conduct involving moral turpitude; unfitness to teach; conduct unbecoming of the profession; and conviction of enumerated crimes. The final section explains that in order to revoke a teaching certificate, the state board of education must show a nexus between the teacher's conduct and duties. (SM)

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2003 NASDTEC ANNUAL MEETING AND CONFERENCE

"But, it was on my own time!" Professional Consequences of Off-Duty Behavior

By Jeffrey A. Weldon
Chief Legal Counsel
Montana Office of Public Instruction

ED 478 388

I. Introduction

A. Scope of Presentation. Education professionals are often judged by behavior that takes place off school grounds or during off-duty hours. This judgment comes from the educator's employer, from the community, and from the state's educator licensing authority. The questioned behavior may lead to the loss of the educator's job or the license to teach. This session will explore how states have addressed the issue of judging off-duty behavior through statute and what the courts have told us about this issue.

B. This Topic is the Beast of State Law. Traditionally, the governance of public education is left to the states and the arrangement by which each state provides public education is absolutely unique. As a rule, our state constitutions establish the state and local framework for public education. Then, depending on the state, the various state and local players (the governor, the legislature, an elected or appointed education chief, a state board of education, a local board or variations of each) attempt to carry out public education. By no stretch is this presentation an exhaustive analysis of this subject. This is a general discussion and may not be directly applicable to the state of the law in your state. The only certain conclusion I can draw is that there are at least 50 scenarios through which off-duty behavior is judged.

C. Not a New Topic. It may be comforting to some to learn that the struggles associated with judging an educator's character in this context is not a new topic or a recent development. A case in point is the local court in New York in 1855 that concluded that upon issuing a certificate of literary qualification, the town school superintendent had discharged his whole duty and the question of "moral qualification" was left to the state superintendent. The People v. Masters, 21 Barb. 252 (Supreme Court, New York County 1855). Even 148 years ago, the staff of the state education

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official had to wrestle with moral character issues -- but without the assistance of Westlaw!

II. Teachers Held to a Higher Standard

It is also clear from the statutory schemes of the fifty states and the courts' analysis of the same that educators are held to a higher standard of behavior. Teachers play a unique role in our culture and society. Like other publicly regulated professions (doctors, lawyers, accountants), educators cannot practice their profession in public schools without a state license to do so. Consequently, their behavior in school and out is examined closely and often harshly. What may be an excusable indiscretion for others may be intolerable error of judgment for educators. Consider the following:

"For approximately seven hours a day, five days a week--nearly half of a child's waking existence--the children of this State are a captive audience of the teachers hired by local boards of education. During the impressionable school-age years, teachers are not merely instructors in sciences and letters. They are authority figures, role models, behavioral examples, surrogate parents. After a fashion, teachers stand *in loco parentis*. Children learn much more from their teachers than the quadratic equation and the proper spelling of "dirndl"--they learn important values and morals. One of the most important values children learn from their teachers is respect for the law. If the state may require parents to relinquish their children to the influence of public school teachers on a daily basis, then surely it is reasonable for parents to demand that public school teachers adhere to standards of conduct consonant with the moral standards of the community, especially when such conduct is required by law." Rogliano v. Fayette County Board of Education, 347 S.E.2d 220, 226 (W. Va. 1986) (Neely, dissenting).

"The proper education of the youth of this country by precept and example is one of the most delicate and important functions of the state, and it is not an arbitrary exercise of power to require that those persons intrusted with such education should themselves possess a good moral character." People ex rel. Odell v. Flaningam, 179 N.E. 823, 826 (Ill. 1932).

"In this case, [the educator's] crime does not relate to his technical or mechanical qualifications to teach mathematics to children, but there is more to teaching young people than mere knowledge of the subject matter and good communication and

interpersonal skills. Teachers play an important role in their students' development, and must be in a position to function as appropriate role models. The determination of an individual's 'fitness to teach' must therefore include not only an assessment of that person's ability to function as an effective communicator of information related to a particular academic subject, but also the character and values the person brings to the job that will be communicated to the students in the teacher's position as role model." Ikpa v. Commission on Teaching, 2003 WL 1547771 (Cal. App. 2 Dist. 2003) (not officially published).

III. Grounds for Action Against an Educator's License Relating to Off-Duty Behavior

The states typically list grounds for action against an educator's license in statute or administrative rule. The adverse action may include revocation, suspension, or some other kind of reprimand. While the theme of a higher standard of behavior runs through the states' lists, no two lists are the same. Here is a partial list[1] of the grounds for adverse action and the states that include that particular item:

Statutory Or Administrative Grounds	States
Conduct Unbecoming of the Position	Alabama, New Jersey, Ohio
Conviction Of Certain Crimes	Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Iowa, Kentucky, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, Nevada, New Mexico, North Dakota, Oklahoma, Ohio, Oregon, South Carolina, Texas, Vermont, Wyoming
Crime Or Other Conduct or Activity Involving Moral Turpitude (Sometimes Conditioned With "If The Offense Bears Directly On Fitness To Teach")	Alaska, Connecticut, Florida, Georgia, Maryland, Massachusetts, Missouri, Montana, North Carolina, South Carolina, South Dakota, Texas,
Cruelty	North Dakota
Discrediting The Profession	Massachusetts
Dishonesty	Kentucky, Louisiana, South Carolina
Immorality, Immoral Conduct (Sometimes Limited To Immoral Conduct Related To	Alabama, Alaska, California, Delaware, Florida ("gross immorality"), Illinois,

[1] This is not an exhaustive list. I could not readily locate the lists of a few states and I did not include all the grounds for action of each state.

The Teaching Profession) And Lacking Good Moral Character	Indiana, Kentucky, Maine, Massachusetts, Minnesota, Missouri, Montana, New Mexico, New York, North Carolina ("illegal, unethical or lascivious conduct"), North Dakota, Ohio, Rhode Island, South Carolina, South Dakota ("gross immorality"), Utah, Vermont, Wisconsin, Wyoming
Indecent Behavior	Alabama
Intemperance, Drunkenness	North Dakota, South Carolina,
Membership In Certain Groups	Louisiana
Publicly reviling, ridiculing, or otherwise speaking or acting with disrespect and contumacy toward the flag of the United States or its official uniforms or insignia, or toward the system of government of the United States and its Constitution, or refusing to take and subscribe the oath of allegiance required in §13-42-6	South Dakota
Unethical Behavior	Colorado
Unfit To Teach	Connecticut, Delaware, South Carolina, Utah,
Unprofessional Conduct	Arizona, California, Florida, Illinois, Utah, Vermont, Washington

A. Immorality, Immoral Conduct (Sometimes Limited To Immoral Conduct Related To The Teaching Profession), and Lacking Good Moral Character. It appears that a majority of the states include as a reason for adverse action some variation on immorality. Consequently, courts in a majority of the states have attempted to determine what immorality, immoral conduct, or lacking good moral character means. Consider, as examples:

1. California.

a. "Homosexual behavior has long been contrary and abhorrent to the social mores and moral standards of the people of California as it has been since antiquity to those of many other peoples. It is clearly, therefore, immoral conduct within the meaning of Education Code, section 13202. It may also constitute unprofessional conduct within the meaning of that same statute as such conduct is not limited to classroom misconduct or misconduct with children." Sarac v. State Board of Education, 249 Cal.App.2d 58, 63 (1967).

b. "We therefore conclude that the Board of Education cannot abstractly characterize the conduct in this case [non-criminal homosexual behavior] as 'immoral,' 'unprofessional,' or 'involving moral turpitude' within the meaning of section 13202 of the Education Code unless that conduct indicates that the petitioner is unfit to teach." Morrison v. State Board of Education, 461 P.2d 375, 386 (Cal. 1969)

c. "Thus, the determinative issue is whether conduct such as that engaged in by appellant [public homosexual behavior versus private homosexual behavior] is sufficient, in and of itself, to establish unfitness to teach. We hold that it is." Moser v. State Board of Education, 22 Cal.App.3d 988, 990 (1972).

d. "In the instant case, the board and the trial court were entitled to conclude, on the basis of the expert testimony set forth above and the very nature of the misconduct involved ["semi-public" sexual contact and discussion on TV of "non-conventional sexual life styles"], that Mrs. Pettit's illicit and indiscreet actions disclosed her unfitness to teach in public elementary schools." Pettit v. State Board of Education, 513 P.2d 889, 894 (Cal. 1973).

2. Florida. "The finding that [the educator] physically abused his stepson was, in and of itself, a proper basis on which to deny appellant's application. § 231.02(1), Fla. Stat. (1999) (requiring applicant for Florida Educator's Certificate to be of 'good moral character')." Katz v. Education Practices Commission, 771 So.2d 1248, 1250 (Fla. 2000).

3. North Carolina. "To serve as grounds for dismissal of a career teacher, . . 'immorality' must be viewed in the context of or 'in regard to a [teaching] job.' In other words, we find unpersuasive [the educator's] argument that the statute unconstitutionally fails to require a nexus between conduct and teaching performance. To the contrary, the statute implicitly requires the 'immorality' of a career teacher to be in relation to, or to affect, that teacher's work, before the teacher may be dismissed or demoted upon such ground. Thus, just as 'inadequate performance' reflects a standard of skill expected in the performance of a teaching job, 'immorality' in the context of teacher dismissal signifies a standard directly related to the teacher's fitness for service." Barringer v. Caldwell County Board of Education, 473 S.E.2d 435, (N.C.App. 1996) (omitting citation) ("At approximately 12:28 a.m. on 20 March 1993, [the educator] began approaching the entrance of Pat's Pool Room . . . armed with a 12-gauge, short barrel, pump shot gun,

fully loaded with one shell in the chamber. * * * When asked what he was doing at that location, [the educator] replied he was 'looking for a friend.' Upon an officer's further inquiry, '[W]hy, to show him the gun?', petitioner responded 'no, to show him the bullets.')

4. Pennsylvania. "We have reviewed the record and hold the Department properly relied on several different cases to define 'immorality' including 'such conduct as offends the morals of the community and is a bad example to the youth whose ideals the teacher is supposed to foster and elevate.' The definition adopted by the PSPC, effective December 25, 1993, states, '[i]mmorality is conduct which offends the morals of a community and is a bad example to the youth whose ideals a professional educator has a duty to foster and elevate.' Nanko v. Dept. of Education, 663 A.2d 312 (Penn. 1995) (discrepancies in applications).

5. Wisconsin.

a. Issue of proper standard of review of public instruction superintendent's determination as to whether teacher's immoral conduct had nexus to health, welfare, safety or education of any pupil involved review of superintendent's interpretation of relevant statute and administrative regulation and application of facts to those laws, which was question of law. Thompson v. Department of Public Instruction, 541 N.W.2d 182 (Wisc. 1995) (case involved unwanted homosexual touching).

b. "Carrying a concealed weapon violates Wisconsin law. * * * Whether it also violates Wisconsin's moral standards, however, is less clear. Indeed, one of the more frequent and frustrating sentencing dilemmas for Wisconsin criminal court judges is presented by defendants who have been convicted of carrying concealed weapons for purposes many view as legitimate-- making nighttime bank deposits after closing their stores; seeking protection from serious, threatened attack; traveling to hunt or target shoot without awareness of the legal manner of transporting weapons." Epstein v. Benson, 618 N.W.2d 224 (Wisc. 2000) (educator shot and killed her son-in-law, which this court concluded was not immoral conduct: the state "provides no authority supporting its unavoidable premise-- that a woman attempting to protect the lives of her daughter and granddaughters acts 'contrary to commonly accepted moral or ethical standards' by

shooting their potential attacker after issuing numerous warnings and taking actions in an apparent attempt to avoid shooting or killing him.").

B. Conduct Involving Moral Turpitude. The next most employed concept in the list of grounds enumerated by states for action against a license is conviction of a crime or engaging in some other conduct or activity involving "moral turpitude." What is "moral turpitude"? Is it a subjective determination? Or it is a criterion that can be determined by using some arrangement of objective standards?

1. Black's Law Dictionary. Conduct that is contrary to justice, honesty, or morality. In the area of legal ethics, offenses involving moral turpitude -- such as fraud or breach of trust -- traditionally make a person unfit to practice law. -- Also termed *moral depravity*. "Moral turpitude means, in general, shameful wickedness -- so extreme a departure from ordinary standards of honest, good morals, justice, or ethics as to be shocking to the moral sense of the community. It has also been defined as an act of baseness, vileness, or depravity in the private and social duties which one person owes to another, or to society in general, contrary to the accepted and customary rule of right and duty between people." 50 Am. Jur. 2d *Libel and Slander* § 165, at 454 (1995). Black's Law Dictionary (7th ed. 1999).

2. Florida.

a. "Moral turpitude involves the idea of inherent baseness or depravity in the private social relations or duties owed by man to man or by man to society. It has also been defined as anything done contrary to justice, honesty, principle, or good morals, though it often involves the question of intent as when unintentionally committed through error of judgment when wrong was not contemplated." State ex rel. Tullidge v. Hollingsworth et al., State Board of Medical Examiners, 146 So. 660 (Fla. 1933) (citations omitted).

b. Educator killed her husband with a shotgun. "Although the Board's order does not in terms recite that petitioner was 'guilty . . . of an act involving moral turpitude,' her plea of guilty is prima facie evidence of that fact. * * No evidence was offered significantly mitigating the apparent turpitude of the acknowledged offense." Kiner v. State Board of Education, 344 So.2d 656 (Fla. Dist.Ct. 1977).

c. "[It] is not necessary for a teacher to be charged with or convicted of a crime in order to be subject to revocation of his certificate based upon conduct reflecting

gross immorality or moral turpitude." Walton v. Turlington, 444 So.2d 1082 (Fla Dist.Ct. 1984) (involved "expunged" criminal record concerning marijuana possession).

3. Pennsylvania. "Determination of whether a crime involves moral turpitude turns on the elements of the crime, not on an independent examination of the details of the behavior underlying the crime." Startzel v. Commonwealth, 562 A.2d 1005 (Penn. 1989) ("Specifically, mail fraud is a crime in which fraud is an ingredient and therefore, it is a crime involving moral turpitude.")

C. Unfitness to Teach. At least a handful of states list "unfitness" as grounds for revocation. The courts of some states have concluded that the immorality and moral turpitude grounds discussed above mean, in effect, unfitness to teach.

1. Connecticut. "The trial court thoroughly analyzed the justification for a reliance on evidence spanning the [educator's] entire teaching career in order to determine if the plaintiff was presently unfit to hold a teaching certificate. 'In the present case, the board's task under General Statutes § 10-145b(m)(3) was to determine whether the plaintiff 'is professionally unfit to perform the duties [of a secondary school teacher].' In the context of the applicable statute, therefore, evidence of *past* misconduct would be relevant and material if it revealed a predilection for such behavior as would lead a reasonable person to conclude that the actor is *presently* unfit for licensure. As the comments of some of the board members at its meeting make clear, the board considered the evidence of past misconduct in this case as showing a continuing 'pattern' of unacceptable behavior.'" Joyell v. Commissioner of Education, 696 A.2d 1039 (Conn. App.Ct. 1997) (evidence of sexual behavior with students spanning 20-year teaching career).

2. California.

a. "In determining whether the teacher's conduct thus indicates unfitness to teach the board may consider such matters as the likelihood that the conduct may have adversely affected students or fellow teachers, the degree of such adversity anticipated, the proximity or remoteness in time of the conduct, the type of teaching certificate held by the party involved, the extenuating or aggravating circumstances, if any, surrounding the conduct, the praiseworthiness or blameworthiness of the motives resulting in the conduct, the likelihood of the recurrence of the questioned conduct, and the extent to

which disciplinary action may inflict an adverse impact or chilling effect upon the constitutional rights of the teacher involved or other teachers. These factors are relevant to the extent that they assist the board in determining a teacher's fitness to teach, i.e., in determining whether the teacher's future classroom performance and overall impact on his students are likely to meet the board's standards." Morrison v. State Board of Education, 461 P.2d 375, (Cal. 1969) (citations omitted).

b. Evidence that teacher had criminal convictions involving the use of alcohol in public over a ten-year period amply demonstrated his unfitness to teach in public schools and supported denial of his application for licensure. Watson v. State Board of Education, 22 Cal.App.3d 559 (1972).

D. Conduct Unbecoming of the Profession.

1. Ohio.

a. "[The educator] asserts that an individual can be removed from the teaching profession only upon a showing that her retention in the profession poses a significant danger of harm to either students, school employees, or others who might be affected by her actions as a teacher. * * * The Ohio Supreme Court has not adopted such a nexus requirement when interpreting R.C. 3319.31(A). * * * We believe the continued receipt of stolen property over a period of five years to be a serious matter which constitutes conduct unbecoming the position of a teacher, as a teacher, and hence, just cause for discharge." Stelzer v. State Board of Education, 595 N.E.2d 489 (Ohio App.Ct. 1991).

b. "In this case, the record is clear that Hoffman had an excellent professional reputation that spanned thirty years. However, he engaged in sexual conduct in a public place and was convicted of public indecency. While this incident did not occur on school grounds, during school hours, or involve students, it received media attention and impacted his professional life." Hoffman v. State Board of Education, 763 N.E.2d 210 (Ohio App.Ct. 2001).

c. "In this case, Freisthler's conduct and conviction were not publicized and there is no evidence in the record that any students were made aware of the matter. Furthermore, the teachers and administrators who were made aware of the conduct have testified that Freisthler is an exceptional teacher and have offered what is, in essence,

uncontroverted expert opinion testimony that under the totality of circumstances, Freisthler's conduct has not proved unbecoming to his position and should not affect his ability to obtain renewal of a teaching certificate." Freisthler v. State Board of Education, 2002 WL 31114955 (Ohio App.Ct. 2002) (arrested in a park for sexual involvement with an undercover police officer).

2. New Jersey. "In this case, the action is grounded on conduct unbecoming a teacher. While such conduct is not defined in the rules or statutes, examples can be drawn from prior holdings in the courts and by the Commissioner of Education. For example, a conviction for conspiracy and bookmaking constituted conduct unbecoming a teacher, a conviction for first-degree murder was conduct unbecoming a teacher, undergoing a sex change operation, the use of unnecessary force against a pupil. The commission of fraud and misrepresentation in obtaining a loan was also held to be conduct unbecoming a teacher. State Board of Examiners v. Brown, 1991 WL 5238989 (N.J. Adm. 1991) (educator convicted of conspiracy) (citations omitted).

E. Conviction of Enumerated Crimes. A majority of the states I surveyed list as grounds for action the conviction of specific crimes enumerated in statute or administrative rule. The list of crimes is too long to include here, but includes felonies and misdemeanors, violent crimes, crimes against children, sex crimes, and drug related crimes.

IV. Vagueness and the Need for Nexus.

In most jurisdictions, the behavior in question must relate in some meaningful way to the teaching profession to warrant action against the license. In other words, in "order to revoke a teaching certificate, the State Board of Education must show a nexus between the teacher's conduct . . . and the teacher's duties." Sayers v. Board of Education, 1994 WL 676869 (Ohio App.Ct. 1994).

The need to show a nexus is directly related to constitutional challenges waged against license revocation statutes. The challenges rest on the concept of "vagueness" and the argument that statutory terms such as "moral turpitude," "immoral," and "unfit"

are so vague as to constitute a denial of due process.[2] "Civil as well as criminal statutes must be sufficiently clear as to give a fair warning of the conduct prohibited, and they must provide a standard or guide against which conduct can be uniformly judged by courts and administrative agencies. The knowledge that he has erred is of little value to the teacher when gained only upon the imposition of a disciplinary penalty that jeopardizes or eliminates his livelihood. Courts and commentators have exposed and condemned the uncertainty of words such as 'unprofessional,' 'immoral,' and 'moral turpitude.'" Morrison v. State Board of Education, 461 P.2d 375, (Cal. 1969) (citations omitted).

Courts have saved states' revocation statutes from a "void for vagueness" death by reading "immoral" and the other grounds for revocation specifically in the context of the teaching profession and fitness to teach. A federal district court offered this explanation:

"The approach which this court has taken in relating the terms of the statute at issue to a person's fitness to teach is the approach which virtually all the courts who have been faced with this issue have taken. The leading case in the field is [Morrison]. In Morrison, the state Board of Education . . . charged that the [educator's license] should be revoked because he had engaged in, among other things, 'immoral conduct.' The court ruled that the statute under which the [educator] was charged was not unconstitutionally vague, but only when the terms within--including 'immoral conduct'--were read to imply an unfitness to teach. *Id.* 'Without such a reasonable interpretation the terms would be susceptible to so broad an application as possibly to subject to discipline virtually every teacher in the state.' *Id.* at 182-83, 461 P.2d at 382. The court went on to say that because terms such as 'immoral conduct' cover such an unlimited area, a narrowed interpretation would prevent the Board from 'having to act as the prophet to which it is revealed the state of morals of the people or the common conscience.' *Id.* at 184, 461 P.2d at 383. Alford v. Ingram, 931 F.Supp. 768 (M.D. Ala. 1996). Now back to Morrison: "We therefore conclude that the Board of Education cannot abstractly characterize the conduct in this case as 'immoral,' 'unprofessional,' or 'involving moral turpitude' within the

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[2] The federal constitution and the constitutions of the several states provide that the government may not deprive a person of life, liberty or property without due process of the law. A professional license is a property interest.

meaning of section 13202 of the Education Code unless that conduct indicates that the petitioner is unfit to teach." Morrison, 461 P.2d at 386.

The federal district court in Alford listed several jurisdictions that follow the Morrison nexus requirement. That list of cases from Alford is included here for reference.

Fowler v. Bd. of Educ. of Lincoln County, Ky., 819 F.2d 657 (6th Cir.1987) (direct connection needed between misconduct and teacher's work);

Thompson v. Southwest School Dist., 483 F.Supp. 1170 (W.D.Mo.1980) ("immoral conduct" limited to mean "rendering a teacher unfit to teach" to avoid vagueness; Morrison factors relied upon);

Keene v. Bd. of Accountancy, 77 Wash.App. 849, 894 P.2d 582 (1995) (citing Morrison and finding that statute "prohibit conduct indicating unfitness to practice the particular profession" in order to avoid unconstitutionality);

Hainline v. Bond, 250 Kan. 217, 824 P.2d 959 (1992) (immoral means unfit to teach to avoid unconstitutionality);

Cochran v. Bd. of Educ. of Mexico School Dist. No. 59, 815 S.W.2d 55 (Mo.App.E.D.1991) (relying on Morrison to find that "immoral conduct" implies an unfitness to teach);

Haley v. Medical Disciplinary Bd., 117 Wash.2d 720, 818 P.2d 1062 (1991) (relying on Morrison to find that "immorality" must prohibit conduct "indicating an unfitness to practice the profession" to escape vagueness);

Rogliano v. Fayette County Bd. of Educ., 176 W.Va. 700, 347 S.E.2d 220 (1986) (immorality vague unless nexus shown to unfitness to teach);

Ross v. Robb, 662 S.W.2d 257 (Mo.1983) ("immoral conduct" taken in context of statute as a whole and limited to mean "conduct rendering plaintiff unfit to teach" isn't vague);

Clarke v. Bd. of Educ., 215 Neb. 250, 338 N.W.2d 272 (1983) (immoral and indecent must imply an unfitness to teach);

Weissman v. Bd. of Educ. of Jefferson County School Dist. No. R--1, 190 Colo. 414, 547 P.2d 1267 (1976) ("immoral" means unfit to teach) (citing cases in Iowa, Maine, New Jersey, New York, and Ohio for same proposition);

Clark v. Ann Arbor School Dist., 130 Mich.App. 681, 344 N.W.2d 48 (1983) (must show an unfitness to teach to discharge teacher).

V. Rehabilitation.

It appears that in some jurisdictions if one is determined to be unfit to teach, one is not necessarily always going to be unfit to teach. Garcia v. State Board of Education, 694 P.2d 1371 (N.M. App.Ct. 1985) (former teacher who applied for recertification following a jury-finding that he was guilty of criminal sexual conduct with a child under the age of 13 met his burden of showing he had been rehabilitated through testimony of clinical psychologist who had evaluated him).

VI. Conclusion.

"'Today's morals may be tomorrow's ancient and absurd customs.' And conversely, conduct socially acceptable today may be anathema tomorrow." Morrison v. State Board of Education, 461 P.2d 375, (Cal. 1969) (quoting 14 U.C.L.A.L.Rev. 581, 587.)

Good luck to us all!

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By:

Jeffrey A. Weldon
Chief Legal Counsel
Montana Office of Public Instruction
1227 11th Avenue
P. O. Box 202501
Helena, MT 59620-2501
Tel: 406-444-4402
Fax: 406-444-2893
E-mail: jweldon@state.mt.us
www.opi.state.mt.us

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Organization/Address: Montana Office of Public Instruction

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FAX:

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